UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ANTHONY SANDERS,)	
D1 1 .100)	
Plaintiff,)	
)	
V.)	No. 4:12CV2229 JCH
)	
MICHAEL J. ASTRUE,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court previously ordered plaintiff to show cause why this action should not be dismissed as time-barred. Plaintiff has failed to do so.

Plaintiff received notice of the final decision of the Commissioner of Social Security on June 28, 2012. Under 42 U.S.C. § 405(g), plaintiff had sixty days from receiving the final notice to file a social security appeal in this Court. In this case, the sixty-day period ended on August 27, 2012. Plaintiff did not submit the instant appeal, however, until November 27, 2012. As a result, the Court will dismiss this action as time-barred. See 28 U.S.C. § 1915(e)(2)(B) (in forma pauperis review); Myers v. Vogal, 960 F.2d 750, 751 (8th Cir. 1992) ("Although the statute of limitations is an affirmative defense, a district court may properly dismiss an in forma pauperis complaint under 28 U.S.C. § 1915[e] when it is apparent the statute of limitations has run.").

Accordingly,

IT IS HEREBY ORDERED that this action is DISMISSED without prejudice.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 22nd day of January, 2013.

/s/Jean C. Hamilton

JEAN C. HAMILTON UNITED STATES DISTRICT JUDGE